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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212861
Party	Plaintiff Fairmont Holdings, Inc.
Correspondence Address	KIM KOLBACK LAW OFFICES OF KIMBERLY KOLBACK 1395 BRICKELL AVE, SUITE 800 MIAMI, FL 33131 UNITED STATES kim@kkolbacklaw.com
Submission	Reply in Support of Motion
Filer's Name	Kimberly Kolback
Filer's e-mail	kim@kkolbacklaw.com
Signature	/s/Kim Kolback/
Date	07/16/2015
Attachments	reply - motion to suspend 2.pdf(30245 bytes) Exhibits A and B.pdf(1109814 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

FAIRMONT HOLDINGS, INC.,
a Florida Corporation,

Opposer/Registrant,

vs.

BACARDI & COMPANY LIMITED,
a Liechtenstein Company,

Applicant/Petitioner.

Opposition No. 91212861

Application Serial No.: 85859951

Word Mark: DEWAR'S LIVE TRUE

**OPPOSER'S REPLY TO APPLICANT'S
RESPONSE TO MOTION TO SUSPEND PROCEEDINGS**

Opposer/Registrant, Fairmont Holdings, Inc., by and through its undersigned counsel, hereby files its Reply To Applicant's Response To Motion To Suspend Proceedings, and states as follows:

1. Settlement negotiations in this matter have been on going for months by and between counsel for Applicant, Janice Housey, and a third party (not undersigned counsel). Applicant's counsel's agreement to a short extension of the case, in an effort to force the settlement, is irrelevant to Opposer's entitlement to a hard copy of the document production.
2. Applicant continues to fail to comply with the TTAB's January 22, 2014 Discovery Conference Order stating that: "... the parties agreed to accept service of papers by e-mail, except for service of documents responsive to document requests which may be served by first-class mail via hard copy." Opposer has made repeated requests for these documents. (Refer to Exhibits A and B attached.)
3. Opposer is entitled to these documents and time in which to review them in order for undersigned counsel to be prepared to litigate this matter, in the event there is no settlement.

Wherefore, Opposer respectfully requests that the TTAB enter an order suspending these proceeding until thirty (30) days after the time in which Applicant provides evidence of service upon Opposer of hard copies of Applicant's document production.

I hereby certify that a true and correct copy of the above and foregoing is being submitted electronically, via the Electronic Filing System, with the Trademark Trial And Appeal Board, on July 16, 2015. I further certify that a true and correct copy of the above and foregoing was served electronically (per agreement) on July 16, 2015 upon Janice Housey, Symbus Law Group, PO Box 11085, McLean, VA 22102-7985, jhousey@symbus.com.

Respectfully submitted,
Law Offices Of Kimberly Kolback
Attorney for Opposer/Registrant
1395 Brickell Ave., Suite 800
Miami, Florida 33131
Direct: (305)858-2627/ kim@kkolbacklaw.com
By: /s/ Kim Kolback
KIMBERLY KOLBACK

Kimberly Kolback

From: Kimberly Kolback
<kim@kkolbacklaw.com>
Sent: Friday, November 7, 2014 2:42 PM
To: Janice Housey
Subject: RE: 91212861 DEWAR'S LIVE TRUE
Applicant's Discovery Responses

Janice—I am unable to open the document production. Please send out a hard copy immediately.
Thank you.
Regards, Kim

Kim Kolback



Florida Bar Board Certified Intellectual Property Lawyer
Entertainment, Arts, Sports & Leisure Law
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Miami, FL 33131
Direct Line: 305-858-2627 / Office Line: 305-200-8786
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delete the original message, attachments and all copies from your system.
Thank you.

From: Helene Stanonik [mailto:trademarks@symbus.com]
Sent: Friday, August 22, 2014 1:21 PM
To: kim@kkolbacklaw.com
Cc: Janice Housey
Subject: 91212861 DEWAR'S LIVE TRUE Applicant's Discovery Responses

Kim:

Please find attached:

- APPLICANT BACARDI & COMPANY LIMITED'S RESPONSES TO OPPOSERS'S FIRST SET OF INTERROGATORIES
- APPLICANT BACARDI & COMPANY LIMITED'S RESPONSES TO OPPOSER'S FIRST REQUESTS FOR ADMISSIONS
- APPLICANT BACARDI & COMPANY LIMITED'S RESPONSES TO OPPOSERS'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

Applicant's documents produced in connection with these responses are also attached.

Best regards,

Helene

Helene Stanonik
Legal Assistant
Symbus Law Group, LLC
PO Box 11085
McLean, VA 22102
703.957.5273 office
540.518.9037 fax
Courier Address: 1934 Old Gallows Road, Suite 350, Vienna, VA 22182
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11/06/14**

Kimberly Kolback

From: Kimberly Kolback
<kim@kkolbacklaw.com>
Sent: Monday, December 1, 2014 2:02 PM
To: Janice Housey
Subject: FW: Discovery Conference

Have these documents been sent?
Please advise
Thank you.
Kim

From: Kimberly Kolback [mailto:kim@kkolbacklaw.com]
Sent: Monday, November 10, 2014 8:36 AM
To: Janice Housey
Subject: FW: Discovery Conference

I also need you to confirm that a hard copy of the document production was sent out on Friday, pursuant to my request. Time is of the essence.
Thank you.
Kim

Kim Kolback



From: Kimberly Kolback [mailto:kim@kkolbacklaw.com]
Sent: Monday, November 10, 2014 8:33 AM
To: 'Janice Housey'
Subject: RE: Discovery Conference

EAH:DH B

Janice-I am leaving the country tomorrow for a week. As you know, our discovery cut off is fast approaching. Unless you are able to agree to a discovery extension, we will need to proceed with the conference today. As a courtesy, I will reschedule it for 2 PM. This should give you plenty of time to review the objections that you made to the discovery. Please confirm the 2 PM conference.
Kim

Kim Kolback



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Thank you.

From: Janice Housey [mailto:jhousey@symbus.com]
Sent: Monday, November 10, 2014 8:08 AM

To: Kimberly Kolback
Cc: Robert M. Schwartz; Helene Stanonik
Subject: RE: Discovery Conference

Kim:

Suspension is fine, as long as the same is in accordance with my email to Robert on Saturday which I will forward to you to ensure no communication issues.

Janice

Janice Housey
Symbus Law Group, LLC
PO Box 11085
McLean, VA 22102
703.957.5274 office
703.851.6737 cell
540.518.9037 fax
Courier Address: 1934 Old Gallows Road, Suite 350, Vienna, VA 22182
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From: Kimberly Kolback [<mailto:kim@kkolbacklaw.com>]
Sent: Monday, November 10, 2014 8:06 AM
To: Janice Housey
Subject: RE: Discovery Conference

We will file for a suspension (with Bacardi's consent) today. The discovery conference will be rescheduled once the suspension is lifted.

Kim Kolback



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Florida Bar Board Certified Intellectual Property Lawyer
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bcc

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From: Janice Housey [<mailto:jhousey@symbus.com>]
Sent: Monday, November 10, 2014 7:43 AM
To: Kimberly Kolback
Cc: Helene Stanonik
Subject: RE: Discovery Conference
Importance: High

Kim:

I did not have time to review this on a Sunday. Also, per my discussions and emails with Robert Schwartz (who is also representing Fairmont, per your email of October 15), my understanding was that we are going to suspend proceedings, at Fairmont's request.

Please speak with your co-counsel and let me know status and we can re-schedule to tomorrow if we are going to proceed with the call.

Janice

Janice Housey

Symbus Law Group, LLC

PO Box 11085

McLean, VA 22102

703.957.5274 office

703.851.6737 cell

540.518.9037 fax

Courier Address: 1934 Old Gallows Road, Suite 350, Vienna, VA 22182

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From: Kimberly Kolback [mailto:kim@kkolbacklaw.com]

Sent: Sunday, November 9, 2014 10:41 AM

To: Janice Housey

Subject: Discovery Conference

At tomorrow's conference I will be, without reservation, generally addressing Bacardi's objections to Interrogatories Nos. 1B, 4, 6, 7, 8, 9, 10, 11, 14, 17, 21 and 22, and Requests For Production Nos. 2, 5, 8, 9, 10, 11-17, 19, 21, 23, 24, 27-30, 32, 33, and 36-39, along with other pending discovery issues.

Kim Kolback



Law Offices of Kimberly Kolback

Florida Bar Board Certified Intellectual Property Lawyer

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Version: 2015.0.5557 / Virus Database: 4189/8547 - Release Date: 11/10/14